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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,281	09/24/2003	Kojiro Yasui	00684.003525	3503
5514 7590 07/14/2005 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER GLEITZ, RYAN M	
			ART UNIT 2852	PAPER NUMBER

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/668,281	YASUI ET AL.	
	Examiner	Art Unit	
	Ryan Gleitz	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9, 12-16 and 19-23 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 10, 11, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 21-23 recite that “the width of contact between said portion to be sandwiched and the elastic roller portion is larger than the width of contact between the developer regulating member and the elastic roller portion”. This limitation is not described in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-9, 14-16, and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldie (US 5,749,026).

Goldie discloses a protecting member (40) for use with a developing device including a developing roller (108), for developing an electrostatic latent image formed on an electrophotographic photosensitive member (110), having an elastic roller portion and a shaft

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portion supporting the elastic roller portion, the developing device further including a developer regulating member (112) contactable to the elastic roller portion to regulate an amount of the developer deposited on the elastic roller portion.

The protecting member (40), including ply (44), ply (46), and small segments of foam (60), reads on a portion to be sandwiched between the elastic roller portion and member (112) when the protecting member is demountably mounted between the developing roller (108) and the developer regulating member (112).

Flap (114) is a supporting portion that supports the portion to be sandwiched, as shown by figure 6.

The foam (60) of portion (40) is a soft pliable material (col. 3, line 66 - col. 4, line 1), which reads on a hardness which is not less than a predetermined value and not more than a hardness of the elastic roller portion, and the portion to be sandwiched is elastic.

Regarding claim 3, the supporting portion (114) is made of MYLAR (col. 5, line 6), which reads on a sheet of polyethylene terephthalate resin material.

Regarding claims 7-9 and 14-16, the protecting member is in a printer cartridge (abstract, line 1), which reads on a developer cartridge and a process cartridge.

Regarding claims 21-23, each foam projection (60) of sandwiched portion (40) extends beyond the width of the developer roller so that it bears against the side walls, which reads on the width of contact between the portion to be sandwiched and the elastic roller portion when the protecting portion is sandwiched between the elastic roller portion and the developer regulating member, is larger than the width of contact between the developer regulating member and the

elastic roller portion when the protecting member is not sandwiched between the elastic roller portion and the developer regulating member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 6, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldie (US 5,749,026) in view of Ichizawa et al. (JP 05-224575).

Goldie discloses the apparatus above, but is silent as to the resistivity of the portion to be sandwiched. However, Ichizawa et al. disclose a film sheet (4) with a volume resistivity of not more than 10^{11} ohm-cm. See abstract, lines 4-5.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to specify the volume resistivity the sheet of Goldie as taught by Ichizawa et al. to avoid static electricity and prevent the memory effect (abstract, lines 13-14).

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Claims 13/7 and 20/14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldie (US 5,749,026) in view of Matsuzaki et al. (JP 2000-132040).

Goldie discloses the apparatus above, but is silent as to the material of the blade (112). However, Matsuzaki et al. disclose a doctor blade in detail, including a metal plate (abstract, line 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the doctor blade of Goldie with the resilient metal plate taught by Matsuzaki et al. to prevent deformation of the cleaning blade (abstract, lines 11-14).

Claims 13/12 and 20/19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldie (US 5,749,026) in view of Ichizawa et al. (JP 05-224575) as applied to claims 6, 12, and 19 above, and further in view of Matsuzaki et al. (JP 2000-132040).

Goldie discloses the apparatus above, but is silent as to the material of the blade (112). However, Matsuzaki et al. disclose a doctor blade in detail, including a metal plate (abstract, line 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the doctor blade of Goldie with the resilient metal plate taught by Matsuzaki et al. to prevent deformation of the cleaning blade (abstract, lines 11-14).

Allowable Subject Matter

Claims 4, 5, 10, 11, 17, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the objections above in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

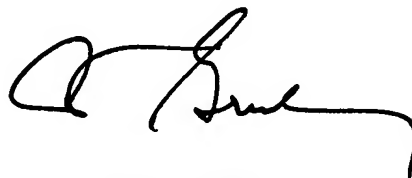
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Gleitz whose telephone number is (571) 272-2134. The examiner can normally be reached on Monday-Friday between 9:00AM and 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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